INTERNAL AFFAIRS BUREAU

INVESTIGATIVE SUMMARY

IV 2390151

SUBJECT: **MIZRAIN J. ORREGO, DEPUTY, #[redacted]**

DATE(S) / TIME OF INCIDENT: **OCTOBER 2, 2015, 0250 HOURS**

ALLEGATIONS:

It is alleged Deputy Mizrain J. Orrego, #[redacted], while off-duty, and in possession of his firearm, was arrested by the Orange Police Department for driving a vehicle while under the influence of alcohol.

SYNOPSIS:

On October 2, 2015, Witness Officer [redacted] of the Orange Police Department observed a 2004 GMC pick-up truck, California [redacted], fail to stop at a red traffic light northbound Main Street to westbound Taft Avenue in the City of Orange. The truck, which displayed expired registration tabs (April, 2015), was driven by a sole occupant, Subject Orrego.

> IAB Note: **The truck was registered to Subject Orrego's friend, Witness Deputy [redacted]. Subject Orrego allowed Witness [redacted] to temporarily store the truck at Orrego's home and Subject Orrego had permission to drive it as needed ([redacted] Transcripts, Pages 4-5).**

Witness [redacted] subsequently conducted a traffic stop and contacted Subject Orrego at his driver's window.

During her initial contact, Witness [redacted] advised Subject Orrego of the reason for her stop. Subject Orrego responded by identifying himself as a deputy sheriff. When asked to provide his driver's license, Subject Orrego instead gave Witness [redacted] his Los Angeles County Sheriff's Department photo identification card. Witness [redacted] would later recover Subject Orrego's driver's license from his wallet. During her conversation at the truck's window, Witness [redacted] detected an odor of alcohol emitting from Subject Orrego's breath and observed a holstered pistol on the seat, near his right hip.

> IAB Note: **The firearm was Subject Orrego's personally owned, 9 MM Smith and Wesson M&P Shield (Orrego Unit Level Transcripts, Pages 5-6). See AFIS Printout in Miscellaneous Documents.**

At Witness [redacted]s direction, Subject Orrego remained inside the truck until additional police officers arrived on scene.

While Witness [redacted] waited for her back-up units, Witness Deputy [redacted] approached on foot, along the north sidewalk of Taft Avenue. Witness [redacted] spoke briefly with Witness [redacted] and was directed to wait a distance away from the traffic stop. Witness [redacted] later learned Witness [redacted] was also a deputy sheriff and a friend of Subject Orrego. During Witness [redacted]s DUI investigation, both Subject Orrego and Witness [redacted] told officers they, along with co-workers had patronized the Tilted Kilt restaurant/bar where they both drank beer and celebrated Department transfers and a sergeant's promotion.

> **IAB Note:** **Witnesses [redacted], [redacted] and former Deputy [redacted] transferred from Compton Station on [redacted]. There were no Sergeant promotions during [redacted]**

Subject Orrego and Witness [redacted] later told Internal Affairs Bureau investigators that although they went to the Tilted Kilt to celebrate Department transfers, with the exclusion of each other, never saw the presence of other Department members **(Orrego IAB Transcripts, February 24, 2017, Pages 5, 12-13 and [redacted] Transcripts, February 24, 2017, Pages 6, 13)**. Witness [redacted] also conceded to Internal Affairs Bureau investigators that he did not have a specific friend who promoted to sergeant and made that statement to the Orange Police because he wanted to be agreeable with their questions.

> **IAB Note:** **Subject Orrego told Witness Officers he was driving his friend's truck because his friend had left the party with someone else. The registered owner, Witness [redacted], told Internal Affairs Bureau investigators he never attended the Tilted Kilt gathering ([redacted] Transcripts, Page 5). Subject Orrego later told Internal Affairs Bureau investigators Witness [redacted] was not at the Tilted Kilt.**

With the arrival of assisting Witness Officers [redacted], [redacted] and Witness Sergeant [redacted], Subject Orrego was directed to exit his truck regarding a driving under the influence investigation. During the investigation, Witness [redacted] asked Subject Orrego a series of field interview questions, administered a set of standardized field sobriety tests, then offered the opportunity to provide a voluntary breath analysis. Subject Orrego answered the questions and performed the tests as asked, but declined to provide the breath sample. Based on the objective symptoms displayed by Subject Orrego, along with his performance during the field sobriety tests, Witness [redacted] arrested Subject Orrego for driving under the influence of alcohol. See **[Exhibit A, Pages 2-3]**.

After being advised of his arrest, Subject Orrego was offered a choice to provide either a breath or blood sample to satisfy the chemical test requirement pursuant to California State Law. Subject Orrego initially chose to submit to a breath test, but could only provide one of the two required samples. The single sample obtained at 0323 hours showed Subject Orrego had a blood alcohol concentration of .13. Because of Subject Orrego's inability to provide the second breath sample, the test was voided. Consequently, a blood sample was drawn at 0402 hours. The sample later revealed Subject Orrego's blood alcohol concentration at .14.

Throughout her investigation, Witness [redacted] perceived Subject Orrego as somewhat uncooperative and unprofessional. She described moments in which Subject Orrego mocked the Orange police officers, referring to them as, "Not even real cops," and that the arrest was her, "Felony hook for the night." He made reference to working in Compton where, "Real crime" occurred and that her duties did not compare to his. She also referred to his use of profane language and reluctance to provide requested documents such as his driver's license, registration, and proof of insurance **([redacted] Transcripts, Pages 17-20)**. The other officers on scene mirrored Witness [redacted]'s perception of Subject Orrego's behavior, describing him as, "A bit mouthy" **([redacted] Transcripts, Pages 5-6)**, incredulous over the DUI investigation, **([redacted] Transcripts, Page 6)**, and purposely manipulating the PAS device to create a voided test **([redacted] Transcripts, Page 6)**.

At the conclusion of the investigation, Subject Orrego was released in the field and issued a citation for 23152(a) CVC and 23152(b) CVC. Witness [redacted], who stood by during the entire investigation and whom Witness [redacted] determined was a responsible party, offered to assist the Orange police officers as needed. At one point, Witness [redacted] told the officers that deputies from Compton Station were on their way to the scene to assist.

IAB Note: **The watch commander identified as Witness Skeen, the watch sergeant, identified as Witness Thomas, and the field sergeant, identified as Witness Fisher, all indicated to Internal Affairs Bureau investigators that no deputies were sent to the scene. Witness [redacted] later told Internal Affairs Bureau investigators that he told officers about deputies responding to the scene in an effort to be helpful, but in fact never requested any such response.**

With Subject Orrego's permission, Witness [redacted] took possession of Subject Orrego's firearm. After Witness Sergeant [redacted] parked and secured Subject Orrego's vehicle in a nearby lot, the Orange police officers left the scene.

Witness [redacted] authored a police report, which was submitted as **[Exhibit A]**. The entire incident was captured on a series of dash-cam videos. Internal Affairs Bureau investigators obtained three compact discs **[Exhibit B]**, containing fifteen video files depicting dash-cam footage from the Orange Police Department. The video files

contained over-lapping and duplicate footage, with varying degrees of audio quality. For clarity and brevity in viewing, Internal Affairs Bureau investigators extracted five of the fifteen video files, which depict chronologically, the incident in entirety. The five video files were transferred onto DVD as **[Exhibit C]**.

After his release, and in Witness [redacted]s presence, Subject Orrego immediately notified the Compton Station Early Morning Shift Watch Commander, Witness Skeen of the arrest. Witness [redacted] then drove Subject Orrego home.

On June 17, 2016, Subject Orrego appeared in Orange County Superior Court and pled guilty to one count each of 23152(a) CVC and 23152(b) CVC. He was placed on summary probation for a period of three years. Refer to Court Case Number 15CM12191 MA Minutes, **[Exhibit D]**.

On June 23, 2016, a unit level administrative investigation was initiated regarding Subject Orrego's arrest and conviction. On November 16, 2016, the administrative investigation was re-assigned to Internal Affairs Bureau.

Utilizing the video files and timing feature from **[Exhibit C]**, Internal Affairs Bureau reviewed and established the following time-line:

Part 1, 53:16. No audio.

00:20: Subject Orrego and Witness [redacted] travelling in tandem, northbound Main Street, approaching Taft Avenue, Orange.
00:28: Subject Orrego fails stop at red light, northbound Main Street to westbound Taft Avenue, Orange. Witness [redacted] stops at same red light.
00:44: Witness [redacted] initiates traffic stop of Subject Orrego.
01:12: Witness [redacted] at Subject Orrego's driver's window.
04:58: Witness [redacted] motions for Witness [redacted] to come toward her.
05:06: Witness [redacted] approaches on north sidewalk and communicates with Witness [redacted]
05:14: Witness [redacted] walks away.
07:10: Witness [redacted] arrives on scene.
09:28: Witness [redacted] arrives on scene.
09:48: Witness [redacted] has Subject Orrego exit his vehicle, is patted down, then Is directed to sit on curb.
25:29: Witness [redacted] begins field interview questions regarding DUI investigation.
29:55: Witness [redacted] begins to administer field sobriety tests.
41:37: Witness [redacted] handcuffs Subject Orrego.
53:16: Video ends with Subject Orrego handcuffed and seated on curb.

Part 2, 36:29. Video and audio from assisting unit.

00:25: Assisting unit arrives and parks behind Witness [redacted]'s car. Witness [redacted] standing on north sidewalk, south of traffic stop.

01:00: Witness [redacted] tells assisting officer Subject Orrego is his ([redacted]) friend.
01:09: Witness [redacted] advises assisting unit that Subject Orrego is a, "Deputy sheriff".
01:45: Witness [redacted] advises assisting unit that both he and Subject Orrego are deputies.
03:15: Witness [redacted] enters his car as Witness [redacted] arrives on scene.
03:27: Witness [redacted] drives away from scene.
04:15: Subject Orrego tells officers he is a deputy with the Los Angeles County Sheriff's Department, Compton Station.
04:30: Subject Orrego tells officers he had come from the Tilted Kilt after celebrating a friend's going-away.
06:19: Subject Orrego tells officers he lives in [redacted] but is going to a buddy's house.
07:15: Subject Orrego admits to running red light and he, "Fucked up."
09:06: Subject Orrego tells officers he should have gotten a ride with Witness [redacted] but, "Fucked up" and asks for, "Some courtesy."
14:37: Subject Orrego discusses expired registration and explains the truck belongs to a friend and that he was driving it because the friend left the party with someone else.
19:25: Witness [redacted] begins field interview questions.
21:30: Subject Orrego tells Witness [redacted] he was drinking by himself at Tilted Kilt.
22:20: Subject Orrego tells Witness [redacted] he was on his way to the freeway.
23:40: Witness [redacted] begins to administer field sobriety tests.
35:05: Subject Orrego declines to provide voluntary breath sample.
35:27: Witness [redacted] arrests and handcuffs Subject Orrego.
36:29: Video ends with Witness [redacted] explaining mandatory chemical tests.

Part 3, 36:28. Video and audio from assisting unit.

00:00: Video continues with Witness [redacted] explaining mandatory chemical tests and asks Subject Orrego his test of choice.
00:13: Subject Orrego does not answer, but instead asks if his friend can take him home. Asks if Witness [redacted] is going to arrest a deputy sheriff.
00:26: Witness [redacted] advises Subject Orrego of his Miranda Rights, which Subject Orrego indicates he does not understand. Subject Orrego repeatedly asks if somebody can drive him home.
01:00: Witness [redacted] re-advises Subject Orrego of his Miranda Rights. When asked if he understands his rights, Subject Orrego asks if somebody can drive him home.
01:30: Subject Orrego addresses Witness [redacted] as, "Sweetie."
01:53: Subject Orrego opts to take breath test.
03:32: Witness [redacted] asks Subject Orrego about gun in truck. Subject Orrego responds the gun is personally owned.
04:05: Subject Orrego tells Witness [redacted] he (Orrego) is getting a DUI and "That's fucked up."
08:05: Witness [redacted] retrieves Subject Orrego's driver's license from his wallet.
26:35: Witness [redacted] administers first breath test (Completed, .13 B.A.C.).

30:40: Witness [redacted] administers second breath test. Subject Orrego makes four attempts, but does not provide sufficient breath to complete second test.
36:12: Witness [redacted] tells Witness [redacted] he and Subject Orrego attended a dinner with some friends who got promoted. A friend promoted to sergeant.
36:28: Video ends with Witness [redacted] talking to Witness [redacted] off camera.

Part 4, 36:28. Video and audio from assisting unit.

00:00: Video continues with Witness [redacted] speaking with Witness [redacted] off camera. Video continues to show Subject Orrego seated on curb.
00:17: Witness [redacted] tells Witness [redacted] he did not see Subject Orrego drinking.
02:02: Witness [redacted] tells officers he has already made a call to the station and asks if Subject [redacted] could be, "Released to a squad car if they come pick him up."
03:16: Witness [redacted] tells officers, "We have a car coming already."
05:02: Witness [redacted] asks Witness [redacted] if he was willing to provide a breath sample to determine the propriety of releasing Subject Orrego's vehicle and firearm into his ([redacted]s) possession.
05:22: Witness [redacted] does not respond to the breathalyzer request, but instead tells Witness [redacted] that two deputies are coming and one can take Subject Orrego's vehicle.
08:25: Subject Orrego tells officers he is not even drunk.
09:39: Subject Orrego tells officers his firearm can be released to Witness [redacted] and that Witness [redacted] is his car partner and they can give, "Whatever the fuck they want to that guy."
10:03: Subject Orrego expresses to the officers his close friendship with Witness [redacted] and that they are real cops from Compton. Comments, "Fucken DUI, what the fuck? What is that?" "DUI, fuck."
11:51: Subject Orrego describes for officers how policing in Compton differs from policing in Orange.
12:54: Subject Orrego comments to Witness [redacted] that his DUI arrest is, "A good hook for you." "A good felony hook for you."
26:28: Technician arrives on scene.
31:20: Technician draws blood from Subject Orrego.
32:40: Subject Orrego's firearm is released to Witness [redacted].
34:45: Subject Orrego signs citation.
36:28: Video ends with Subject Orrego still seated on curb.

Part 5, 7:31. Video and audio from assisting unit.

00:00: Video begins with Subject Orrego seated on curb.
00:45: Technician departs.
04:13: Witness [redacted] parks and secures Subject Orrego's vehicle.
04:50: Witness [redacted] references capturing Subject Orrego's DMV information by, "Swiping" his driver's license.
05:32: Witness [redacted] tells Subject Orrego she kept his driver's license.
05:55: Witness [redacted] advises Subject Orrego he is free to leave.

06:08: Subject Orrego walks eastbound and out of camera view.
07:31: Video ends with W/[redacted] speaking with officers.

During his interview with Internal Affairs Bureau investigators, Subject Orrego explained that although he had been drinking, he felt compelled to move his vehicle or risk having it towed. He described parking lot signage prohibiting overnight parking and his efforts to move the vehicle to a different lot. **(Orrego IAB Interview Transcripts, February 24, 2017, Page 9)**.

IAB Note: **The Tilted Kilt in Orange shares a parking lot with several restaurants and a movie theater. Internal Affairs Bureau investigators could not locate signage prohibiting overnight parking. However, several posted signs identified the lot as private property with customer/tenant parking only [Exhibit E].**

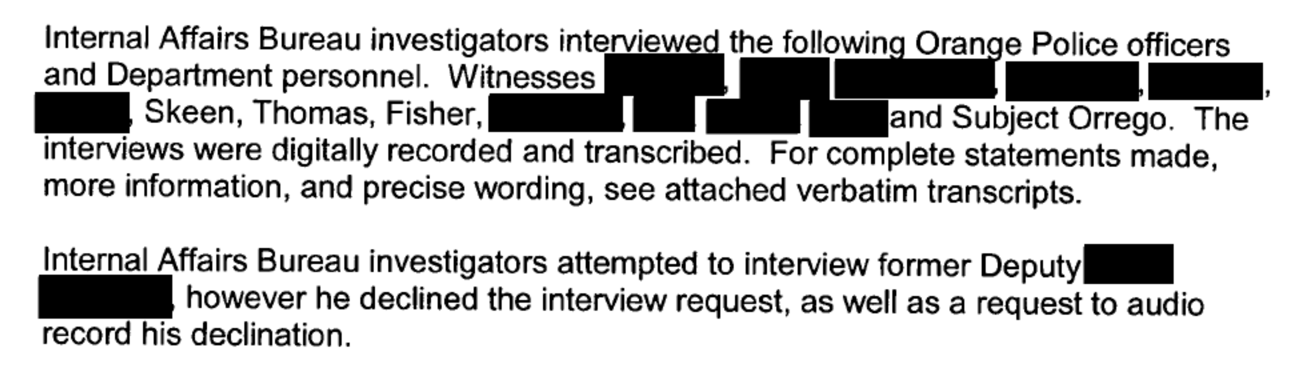
According to Witness [redacted] he never actually saw Subject Orrego drinking and Subject Orrego did not appear to be impaired when they left the Tilted Kilt. Never the less, he agreed to drive Subject Orrego home. When asked by Internal Affairs Bureau Investigators the reason for driving him home, Witness [redacted] indicated he never asked Subject Orrego for a reason **([redacted] Transcripts, February 24, 2017, Page 5)**.

Subject Orrego also described his demeanor during his arrest as cooperative, but conceded he was shocked and upset with the situation. He did not recall asking any of the police officers for professional courtesy. **(Orrego IAB Transcripts, February 24, 2017, Pages 11-12 and April 13, 2017, Page 2-3)**.
After reviewing the dash-cam footage contained in **Exhibit C**, Subject Orrego maintained he was cooperative, but acknowledged at times he appeared vocal. He explained his behavior was born from his frustration of placing himself in such a position and had not directed any animosity to the Orange police officers.

On the night of Subject Orrego's arrest, Witnesses [redacted] and [redacted] were among a gathering of Compton Station personnel at the Tilted Kilt celebrating the transfers of Witnesses [redacted] and [redacted]. Each witness had varying accounts as to the number of personnel in attendance, ranging from ten to thirty. Witness [redacted] recalled he and Subject Orrego arrived separately at approximately the same time and had a brief conversation as they entered the restaurant together **([redacted] Transcripts, Pages 3-4)**. Witness [redacted] attended the gathering from approximately 1900 through 0130 hours and did not recall Subject Orrego in attendance **([redacted] Transcripts, Pages 2-3)**. Witness [redacted], identified as a sergeant at Compton Station, estimated he was at the Tilted Kilt for approximately one hour and recalled Subject Orrego in attendance. While there, Witness [redacted] noticed nothing of concern regarding Subject Orrego's sobriety **([redacted] Transcripts, Page 4)**. Witness [redacted], identified as a lieutenant at Compton Station, did not recall Subject Orrego in attendance **([redacted] Transcripts, Page 4)**.

IAB Note: **The video surveillance system at the Tilted Kilt is equipped with a six month retention. As such, Internal Affairs Bureau investigators were unable to obtain surveillance footage for October 1-2, 2015.**

INVESTIGATION:



Internal Affairs Bureau investigators interviewed the following Orange Police officers and Department personnel. Witnesses [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], Skeen, Thomas, Fisher, [redacted], [redacted], [redacted], [redacted] and Subject Orrego. The interviews were digitally recorded and transcribed. For complete statements made, more information, and precise wording, see attached verbatim transcripts.

Internal Affairs Bureau investigators attempted to interview former Deputy [redacted], however he declined the interview request, as well as a request to audio record his declination.







COUNTY OF LOS ANGELES

HALL OF JUSTICE

JIM MCDONNELL, SHERIFF

August 1, 2017

Date of Department Hire 10/15/07

Deputy Mizrain Orrego, #[redacted]
[redacted]

Dear Deputy Orrego:

On June 8, 2017, you were served with a Letter of Intention indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under File Number IAB IV2390151. You were also advised of your right to review the material on which the discipline was based.

You did exercise your right to respond. However, after review and consideration of the response submitted to support your position, it has been determined that the recommended discipline is appropriate.

You are hereby notified that you are discharged from your position of Deputy Sheriff, Item No. 2708A, with this Department, effective as of the close of business on August 1, 2017.

An investigation under File Number IAB IV2390151, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. [redacted]


[redacted]

2. That in violation of the Manual of Policy and Procedures Section 3-01/040.75, Dishonesty/Failure to Make Statements and/or Making False Statements during Departmental Internal Investigations, on or about February 24, 2017, you made false statements during an internal investigation, as evidenced by, but not limited to:

   a. claiming that you only saw Witness [redacted] at the restaurant on October 1, 2015. Whereas [redacted] indicated having talked to and/or interacted with you as they arrived to the gathering sometime between 1900 and 2100 hrs, and Witness [redacted] said that he believed you were present but did not recall interacting with you on October 1, 2015; and/or,

   b. stating to IA investigators that your intention was to park your vehicle and have Witness [redacted] drive you home.

3. That in violation of the Manual of Policy and Procedures Sections 3-01/040.70, Dishonesty/False Statements; [redacted] on or about October 2, 2015, you failed to cooperate with the Orange Police Department and/or knowingly gave untruthful or misleading statements Orange Police Department during a criminal investigation, as evidenced by, but not limited to:

   a. stating to arresting officers that you were driving your friend's truck because the friend had left the party earlier, with someone else, and/or words to that effect when your friend denied being at the party at all; and/or,

   b. stating to arresting officers that you had been celebrating a Sergeants Promotion and then later denying that you were drinking with anyone, and/or words to that effect; and/or,

[redacted]


[redacted]

e. stating to arresting officers that you never saw other officers at Tilted Kilt, and/or words to that effect.

4. 
[redacted]

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference.

In taking this disciplinary action, your record with this Department has been considered, and a thorough review of this incident has been made by Department executives, including your Unit and Division Commanders.

You may appeal the Department's action in this matter pursuant to Rules 4.02, 4.05 and 18.02 of the Civil Service Rules.

You may, if you so desire, within fifteen (15) business days from the date of service of this notice of discharge, request a hearing on these charges before the Los Angeles County Civil Service Commission, 500 W. Temple Street, Room 522, Los Angeles, California 90012.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

JIM McDONNELL, SHERIFF

JOSEPH M. GOODEN, CHIEF
CENTRAL PATROL DIVISION

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures and Civil Service Rules.

JMG:KM:JSW:pc

cc: Advocacy Unit
Joseph M. Gooden, Chief, Central Patrol Division
Michael E. Thatcher, Captain, Compton Station
Internal Affairs Bureau
Kimberly L. Unland, Captain, Personnel Administration